

# **PROPOSED**

## **Bottle Club Rules**

### **Board of Liquor License Commissioners of Baltimore City**

#### **General Procedures**

##### **Rule 1.01 - Attorney**

Wherein these Rules it is provided that a party may act, such act may be performed by his attorney except as otherwise provided. Where any notice is to be given, by or to a party, such notice may be given by or to the attorney for such party.

##### **Rule 1.02 - Definitions**

###### **(a) Affidavit**

"Affidavit" means an oath or affirmation sworn or made before an officer or other person authorized to administer an oath or take an affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information and belief.

###### **(b) Attorney**

"Attorney" means an attorney at law admitted to the bar of the Court of Appeals of Maryland.

###### **(c) Board**

"Board" means the Board of License Commissioners of Baltimore City.

###### **(d) Bottle club**

"Bottle club" means any establishment that serves, gives or allows alcoholic beverages to be consumed by patrons from supplies that patrons previously purchased or reserved.

###### **(e) Person**

"Person" means any natural person, of either sex, any partnership, joint stock company, unincorporated association or society, municipal or other corporation of any character whatsoever, or other legal entity.

##### **Rule 1.03 - Time**

In computing any period of time prescribed or allowed by these Rules, the method of computation of time provided by the Maryland Rules of Procedure promulgated by the Court of Appeals of Maryland, shall govern.

#### **Procedure**

##### **Rule 2.01 - Application**

(a) Application for a bottle club registration or renewal shall be made upon printed forms obtainable at the office of the Board. The information requested includes the name of the owner and operator, the name and address of the establishment, and evidence of inspections and business licenses issued by the State of Maryland and City of Baltimore.

(b) All requests for a bottle club registration shall be advertised in three newspapers of general circulation in Baltimore City two times in two successive weeks. The subject property shall be posted for a period of ten days in a conspicuous place upon the premises described in the application.

(c) No application for the issuance of a bottle club registration shall be accepted unless made on forms prescribed by the Board and unless an application fee of \$500.00 is paid which includes the cost of advertising the application.

**Rule 2.02 – Standards for accepting a bottle club registration**

(a) Before approving and issuing a bottle club registration, the Board shall consider the following standards:

1. The public need and desire for the license;
2. The number and location of existing licensees and the potential effect on existing licensees of the license applied for;
3. The potential commonality or uniqueness of the services and products to be offered by the applicant's business;
4. The impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and
5. Any other necessary factors as determined by the board.

(b) The application shall be disapproved if the Board determines that:

1. The granting of the license is not necessary for the accommodation of the public;
2. The applicant is not a fit person to receive the license for which application is made;
3. The applicant has made a material false statement in his application;
4. The applicant has practiced fraud in connection with the application;
5. The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; or
6. There are other reasons, in the discretion of the board, why the license should not be issued.

(c) Before the Board may approve and accept the registration, the applicant shall provide copies of all inspections by the appropriate agencies and a current Baltimore City Health Department permit, a public assembly permit issued by the Baltimore City Fire Department, a use and occupancy permit, a sales tax license, a Trader's license and proof of alcohol awareness training.

(c) All protests against the issuance of any bottle club registration must be filed either in writing at the office of the Board on or before the time fixed by the notice of hearing or any postponement of such time or in person at the hearing.

**Rule 2.03 – Annual fee**

The annual fee for a bottle club registration is \$1,000. It shall be prorated if the initial registration is for less than a calendar year.

**Rule 2.04 – Holder of a bottle club registration**

A bottle club registration application may be filed in the following format:

(a) Sole owner – A registration in the name of a sole owner shall be issued to an individual who shall have resided in or been a taxpayer of Baltimore City for at least two (2) years prior to issuance of the registration. The individual shall continue to reside in or pay taxes in his or her individual name to Baltimore City during the holding of the registration.

(b) Partnership – A registration for a bottle club in the name of a partnership shall be issued to all of the partners, as individuals, all of who shall have resided in or been a taxpayer of Baltimore City for at least two (2) years prior to said issuance. All partners shall continue to reside in or be taxpayers of Baltimore City during the holding of such license.

(c) Corporation - A registration for a bottle club in the name of a corporation shall be issued to three of the officers of such corporation as individuals, for the use of the corporation, at least one of whom shall have been a resident or taxpayer of Baltimore City for at least two (2) years prior to said issuance and shall also have been a resident of Maryland for at least two (2) years prior to said issuance and a registered voter. Such officer shall continue to reside or be a taxpayer of Baltimore City and a resident of Maryland during the holding of such license.

(d) Limited liability corporation – A registration for a bottle club for the use of a limited liability club shall be issued to three of the authorized persons of that limited liability company as individuals for the use of the company. At least one of the individuals shall have been a resident or taxpayer of Baltimore City for at least two (2) years prior to said issuance. Such member shall continue to reside in or be a taxpayer of Baltimore City during the holding of such registration. In the case of a limited liability company in which there are less than three authorized persons, all authorized persons shall make the application

**Rule 2.05 - Notice of Hearing**

At least ten (10) days before any hearing shall be had by the Board upon any charge of violation of rules, regulations or laws governing the sale of alcoholic beverages, the Board shall cause to be served upon the owner and operator of the bottle club charged therewith, a summons containing the following information:

(a) Name and address of the licensee as same appears on the license

(b) The rules, regulations or laws which the bottle club owner and operator are charged with having violated together with the date of such violation if it relates to a specific instance, and

(c) Time and place of hearing.

**Rule 2.06 – Bottle Club Registration Renewal**

(a) A bottle club registration approved under the provisions of Article 2B §20-102 expires each year on the anniversary of the date on which the registration was approved. A bottle club registration renewal form must be filed with the Board at least 30 days before the expiration date on a form furnished by the Board. A \$1,000 annual renewal fee must be paid when the registration renewal is issued.

(b) The Board may not accept a renewal of a bottle club registration without a hearing if a protest has been filed against the renewal.

**Rule 2.07 – Protest of renewal**

(a) A protest of the renewal of a bottle club registration must be filed at least 30 days before the expiration of the registration and shall be instituted

- (1) by the Board; or
- (2) be signed by at least ten residents, commercial tenants who are not holders of or applicants for any license issued under the provisions of Article 2B, or real estate owners in the immediate vicinity in which the bottle club is located.

(b) If a protest is filed, it shall be heard and determined as to specific complaints concerning the operation of the establishment and whether there has been a substantial adverse impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking or convenience.

**Rule 2.08 - Zoning**

No bottle club registration shall be accepted if acceptance will result in a use of premises which violates any zoning or other statutory land use restriction.

**Rule 2.09 - Appeals**

The holder of a bottle club registration desiring to appeal from any order of the Board shall file with the Clerk of the Circuit Court for Baltimore City an order for appeal and a petition requesting an appeal. The order for appeal must be filed within thirty days of the order of the Board and an appeal fee of \$100 must be paid to cover the cost of the appeal and copying of the pertinent papers. The appeal fee must be paid to the Board at the time of filing such petition and order. The cost of the transcription of testimony shall be borne by the appellant. Orders for such transcription shall be placed with the stenographer within five (5) days after the notation of appeal.

## **Chapter 3**

### **Standards of Operations**

**Rule 3.01 - Ownership and Operation**

The registrant for a bottle club shall be the actual owner and operator of the business conducted on the premises. The identity of any person having a financial interest in said business shall be disclosed to the Board in writing.

**Rule 3.02 Hours of operation**

A bottle club may not give, serve, dispense, keep or allow to be consumed on its premises,

or on premises under its control or possession, any alcoholic beverages, setups, or components parts of mixed alcoholic drinks after 2 a.m., seven days a week.

**Rule 3.02 - Cooperation**

The holder of a bottle club registration shall cooperate with representatives of the Board, members of the Police Department, Health Department, Building Engineer's office, Grand Jury and representatives of other governmental agencies whenever any such persons are on official business.

**Rule 3.03 - Records**

The holder of a bottle club registration shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies.

**Rule 3.04 – Display of registration form**

Each holder of a bottle club registration shall place the annual registration form issued by the Board in a separate frame, under glass, and place the form so that it is conspicuous and easily read in the place of business.

**Rule 3.05 Compliance with requirements of other agencies**

The holder of a bottle club registration shall operate his establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City.

**Rule 3.06 Alcohol Awareness training**

Any bottle club owner or a person who is employed in a supervisory capacity designated by the owner shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol is served or consumed.

**Rule 3.07 Service of alcoholic beverages**

Any business registered as a bottle club must comply with all laws concerning the service and consumption of alcohol.

**Rule 3.08 - Public Welfare**

A holder of a bottle club registration shall operate their establishment in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community.

**Prohibited Practices****Rule 4.01 - Prohibited hours**

(a) A bottle club may not permit a person to consume any alcoholic beverages on any premises under its control or possession between 2 a.m. and 6 a.m. on any day.

**Rule 4.02 - Alcoholic Beverage Containers**

(a) No holder of a bottle club registration shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any holder adulterate, dilute, or fortify the contents of any such bottle or container.

**Rule 4.03 - False Statements**

No holder of a bottle club registration shall make any false statement in any application, letter or written or oral statement to the Board or to any of its representatives.

**Rule 4.04 - Illegal Conduct**

No holder of a bottle club registration shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals.